

MONDAY, February 16, 1852.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of Saturday was read and adopted.

On motion of Mr. Dancy, Mr. Eddy was added to the committee on Enrolled Bills.

A message was received from the House, informing the Senate that the House had passed the following bills, which originated in the Senate, to wit :

A bill to incorporate the Brazos and Colorado Railroad company ;

A bill for the relief of William Hughs ;

A bill for the relief of Bluford Brooks and Mastin Latham ;

A bill to incorporate the Little Cypress Bridge company ; and

A bill granting one league of land to Francis M. Dimond, late United States Consul at Vera Cruz, in consideration of monies expended, and many acts of kindness extended to the Texas prisoners in Mexico, in 1842 and 1843.

Also, that the House had passed the following bills with amendments :

A bill making appropriations for the use and support of the State government for the years 1852 and 1853 ; and

Joint resolution for the benefit of Thomas William Ward.

Also, that the House had passed the following joint resolution, originating in that body :

Joint resolution granting Stephen Crosby, Commissioner elect of the General Land Office, leave of absence from the State.

Also, that the House refused to recede from their amendments to a bill making appropriations for the improvement of the rivers.

ORDERS OF THE DAY.

On motion of Mr. Wilson, a bill making appropriations for the improvement of the rivers, was taken up by the following vote :

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Eddy, Ford, Merriman, Parker, Sterne, Truit, and Wilson—11.

NAYS—Messrs. Armstrong, Burks, Grimes, Hart, Hill, Meusebach and Williams—7.

Mr. Davis moved that a Free committee of Conference be appointed on part of the Senate on said bill, and that the House be requested to appoint a like committee ; carried by the following vote :

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Eddy, Ford, Gray, Merriman, Parker, Sterne, Truit and Wilson—13.

NAYS—Messrs. Armstrong, Burks, Grimes, Hart, Hill, Meusebach and Williams—7.

Messrs. Davis, Hill and Wilson were appointed said committee.

A bill making appropriations for the use and support of the State government for the years 1852 and 1853, with amendments of the House, was read, and 1st and 2nd amendments concurred in.

The Senate refused to concur in so much of the 3rd amendment as appropriated \$2,000 for W. H. Parker, and concurred in remainder of said amendment.

The 4th, 5th, 6th, 7th, 8th, 9th and 10th amendments were concurred in.

Mr. Dancy moved to amend the 11th amendment by adding: "and for Texas Monument \$1,000;" carried by the following vote:

YEAS—Messrs. Bogart, Dancy, Davis, Doane, Ford, Kinney, Merriman, Meusebach, Parker, Sterne and Wilson—11.

NAYS—Messrs. Bigelow, Burks, Gray, Grimes, Hill, Truit and Williams—7.

The amendment as amended was then concurred in by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Ford, Gray, Kinney, Meusebach, Sterne and Wilson—11.

NAYS—Messrs. Burks, Grimes, Hart, Hill, Merriman, Parker, Taylor and Williams—8.

Mr. Gray moved to reconsider the vote just taken; lost by the following vote:

YEAS—Messrs. Burks, Gray, Grimes, Hart, Hill, Merriman, Parker, Truit and Williams—9.

NAYS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Ford, Kinney, Meusebach, Sterne and Wilson—10.

The 12th and 13th amendments were concurred in.

Mr. Bigelow moved to amend the 14th amendment by adding: "for paying Peter Nichols, sheriff of Cameron county, for twelve extra guards employed in taking eleven convicts from Cameron county to the State Penitentiary, \$800;" adopted.

The 15th, 16th, 17th, 18th, 19th and 20th amendments were concurred in.

Mr. Kinney offered the following amendment to the 21st amendment:

Add "and to F. Dawson, forty thousand dollars and interest from date of his bond B, No. 2, to first July, 1850;" adopted.

Mr. Hart moved to reconsider the vote just taken, upon which the yeas and nays were as follows:

YEAS—Messrs. Burks, Dancy, Davis, Eddy, Gray, Grimes, Hart, Hill and Williams—9.

NAYS—Messrs. Bigelow, Bogart, Doane, Kinney, Merriman, Meusebach, Parker, Truit and Wilson—9.

There being a tie vote, the President decided in the affirmative, so the vote was reconsidered, and amendment withdrawn.

Mr. Kinney then offered to amend the 21st amendment by adding "and to F. Dawson, forty thousand dollars and interest thereon, from maturity of bond No. 2, to 1st July, 1850, upon the filing of said bond with the Comptroller."

On motion of Mr. Eddy, a call of the Senate was made.

On motion of Mr. Eddy, the call was suspended.

Mr. Wilson moved to lay the amendment on the table, upon which the yeas and nays were as follows:

YEAS—Messrs. Burks, Dancy, Davis, Eddy, Gray, Grimes, Hart, Hill, Williams and Wilson—10.

NAYS—Messrs. Bigelow, Bogart, Doane, Ford, Kinney, Merriman, Meusebach, Parker, Sterne, and Truit—10.

There being a tie, the President voted in the negative, so the Senate refused to lay the amendment on the table.

Mr. Kinney, by leave, withdrew the amendment:

Mr. Kinney then offered the following amendment:

"That \$20,000 be, and is hereby appropriated in part payment of the amount due from the State of Texas to Frederick Dawson, upon his filing a release for the same."

On motion of Mr. Dancy, a call of the Senate was made.

On motion of Mr. Kinney, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A message was received from the House, informing the Senate that the House had passed joint resolution concerning Indian boundaries, which originated in the Senate.

Also, that the House had appointed Messrs. Tankersly, Bee, Charlton, Runnels and White, a committee of Conference on a bill making appropriations for the improvement of the rivers.

Joint resolution granting Stephen Crosby, Commissioner elect of the General Land Office, leave of absence from the State; read first time, and, on motion of Mr. Hart, the rule was sus-

pended, joint resolution read second time, and passed to third reading.

On motion of Mr. Eddy, the rule was further suspended, joint resolution read third time and passed.

The Senate concurred in the amendment of the House to joint resolution for the benefit of Thomas William Ward, by the following vote :

YEAS—Messrs. Bigelow, Bogart, Burks, Davis, Doane, Eddy, Ford, Grimes, Kinney, Meusebach, Sterne, Truit and Wilson—13.

NAYS—Messrs. Dancy, Gray, Hart, Hill and Merriman—5.

On motion of Mr. Davis, the call was suspended, and, on motion of Mr. Hart, the amendment offered by Mr. Kinney laid on the table, and the amendment of the House concurred in.

The 22nd, 23rd and 24th amendments were concurred in.

Mr. Davis moved to reconsider the vote which adopted the amendment offered by Mr. Dancy to the 11th amendment of the House, adding \$1,000 for the Texas Monument.

On motion of Mr. Bigelow, a call of the Senate was made.

On motion of Mr. Davis, the call was suspended, and the motion of Mr. Davis withdrawn.

On motion of Mr. Hill, the vote which concurred in the 8th amendment of the House was reconsidered, and the amendment amended by striking out after "printing," the words "and copying."

The amendment as amended was then concurred in.

A message was received from the House, informing the Senate that the House had passed a bill to define the boundaries of the counties of Jasper and Newton; and

A bill supplementary to an act to establish a State Penitentiary, which originated in the Senate, with amendments.

Also, that the House refused to concur in the amendments of the Senate to a bill providing for the sale of one million of the bonds of the United States, being a part of the indemnity received for the sale of a portion of the north-western territory of the State of Texas; and have appointed Messrs. Scott, Tarver and Runnels a committee of Conference, and request the appointment of a like committee on part of the Senate.

Messrs. Gray, Eddy and Hill were appointed a committee of Conference on said bill.

Mr. Ford, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined the following bills :

A bill granting one league of land to Francis M. Dimond, late

Consul of the United States at Vera Cruz, in consideration of monies expended, and kindness extended to the Texas prisoners in Mexico, in 1842 and 1843 ;

A bill for the relief of Bluford Brooks and Mastin Latham ;

A bill to incorporate the Little Cypress Bridge company ;

An act supplementary to an act entitled an act to organize justices courts, and to define the powers and jurisdiction of the same, approved 20th March, 1848.

All of which are correctly enrolled, and were this day submitted to the Governor for his signature.

Mr. Eddy offered the following resolution :

Resolved, That the thanks of the Senate be respectfully tendered to W. D. Miller, Esq., for the able and efficient manner in which he has discharged all the duties of the office of Secretary of the Senate.

Mr. Parker moved to amend by inserting after " Miller," " and all the other officers of the Senate ; " carried, and resolution as amended adopted.

On motion of Mr. Kinney, a committee was appointed to act in conjunction with a like committee on part of the House, to wait upon the Governor and inform him that the two Houses will adjourn this evening sine die, and to ask if he has any further communication to make to the Legislature.

Messrs. Kinney, Parker and Wilson were appointed said committee.

On motion of Mr. Hill, the Senate adjourned until 8 o'clock p. m.

8 O'CLOCK, P. M.

Senate met.--roll called--quorum present.

Mr. Bogart offered the following resolution :

Resolved, That the thanks of the Senate are due, and are hereby tendered to the Hon. James W. Henderson, Lieut. Governor and President of the Senate, for the able, dignified and impartial manner in which he has discharged his duties during the present session ; adopted unanimously.

The Senate concurred in the amendments of the House to a bill supplementary to an act to establish a State Penitentiary.

A message was received from the House, informing the Senate that the House had passed a bill concerning the archives of the Legislature, which originated in the Senate.

Also, that the House concurred in the amendments of the Senate to joint resolution instructing our Senators and requesting our Representatives in Congress to procure by the United States

the running and establishing the boundary lines between the State of Texas and the territories of the United States.

Also, that the House concurred in the 1st and 2nd amendments of the Senate, and receded from their 3rd and 4th amendments to a bill making appropriations for the use and support of the State government for the years 1852 and 1853.

Also, that the House had adopted the report of the committee of Conference on a bill providing for the sale of one million of the bonds of the United States, received for the sale of the north-western territory of the State of Texas.

Mr. Gray made the following report :

FEBRUARY 16, 1852.

The committee of Conference, on the bill providing for the sale of one million of the bonds of the United States, being a part of the indemnity received for the sale of a portion of the north-western territory of the State of Texas, have considered the same, and a majority of the committee, (Senator Hill dissenting,) concur in making the following recommendations, viz :

That the Senate recede from its 1st and 4th amendments, which require the bids and sales to be made only at the city of Austin, and authorize the Comptroller to sell said bonds in sums to suit purchasers at Austin, at not less than three per cent. premium, with interest ; and that the House concur in the other three amendments, authorizing the Comptroller to receive bids in sums less than one million, and limiting the rate at which sales may be made.

P. W. GRAY, On part of the Senate.

J. W. SCOTT, On part of the House.

The report was adopted by the following vote :

YEAS—Messrs. Davis, Eddy, Ford, Gray, Grimes, Hart, Meriman, Meusebach, Sterne, Truit, Williams and Wilson—12.

NAYS—Messrs. Bogart, Burks, Dancy, Doane, Hill, Kinney and Parker—7.

Mr. Kinney, chairman of the committee appointed to wait on the Governor and inform him that the Legislature was about to adjourn, &c., reported duty performed.

A message was received from the House, informing the Senate that the House had passed a bill to repeal an act to encourage the deepening of the Anahuac pass at the mouth of Trinity river, approved December 20, 1851, which originated in the Senate.

Also, a bill making an additional appropriation for the contingent expenses of the Legislature, originating in the House.

Also, a bill for the relief of Frederick Foy, which originated in the Senate.

Mr. Dancy submitted the following protest :

MR. PRESIDENT : I gave notice during the early part of the session that I would enter my protest against the passage of a resolution inviting Dr. J. B. Miller to a seat within the bar of the Senate ; I now do so, because the rules of the Senate authorized any Senator or the President to invite any one to a seat within the bar of the Senate. The resolution was unnecessary, useless ; it was intended to flatter the vanity of an individual, and I protest against such a waste of the time of the Legislature in puffing any one.

I further protest against the passage of the half law, half resolution relating to Sam Houston, and recommending him as a suitable candidate for the Presidency of the United States, because the passage of such a resolution does not belong to our duties as legislators. Senator Houston advocated principles in his speech on Senator Foote's compromise resolutions which are opposed to the course of his friends in passing these resolutions.

Although I moved to strike out Sam Houston and insert first Douglass, and then Cass, because I preferred either of them to Houston, candor requires me to state that I would have voted against the resolutions if either name had been inserted, because I did not believe that the resolutions came within the range of our duties as legislators, and I am not willing to see a Legislature converted into a political meeting, to manufacture capital for politicians. It is certainly humiliating for a Legislature to request the delegates to a party political convention to nominate their favorite. It would have been more manly to have presented the name to the people of the United States without such a request as the one which presents the Legislature in the attitude of a suppliant. It is not my purpose to speak harshly of Gen. Houston, but to present my reasons for opposing the passage of the resolutions, which I would have opposed if they had contained the name of the man whom I prefer for the Presidency. I would not act in violation of my duties as a legislator, to strike a blow at my enemies, or to advance the interests of my friends.

JON W. DANCY.

A bill making an additional appropriation for the contingent expenses of the 4th Legislature ; read first time, and, on motion of Mr. Bigelow, the rule was suspended, bill read second time, and passed to third reading.

On motion of Mr. Bigelow, the rule was further suspended, bill read third time and passed.

Mr. Gray, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined the following bills, viz :

An act supplementary to an act to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Robertson county ;

Joint resolution concerning Indian boundaries ;

An act for the relief of William Hughs ;

An act to define the boundaries of the counties of Jasper and Newton ;

Joint resolution for the benefit of Thomas Wm. Ward and H. W. Augustine ;

An act supplementary to an act to establish a State Penitentiary, passed 13th March, 1848 ;

An act concerning the archives of the Legislature ;

An act making appropriations for the use and support of the State government for the years 1852 and 1853 ;

Joint resolution instructing our Senators and requesting our Representatives to use their influence to procure the incorporation of the officers of the late navy of Texas into the navy of the United States ;

An act to incorporate the New Orleans, Texas and Pacific Railway company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas ;

An act to incorporate the Brazos and Colorado Railroad company.

And finding them correctly enrolled, were this day signed by the Speaker of the House and President of the Senate, and presented to the Governor for approval.

P. W. GRAY, For committee.

A committee from the House informed the Senate that the House was ready to adjourn sine die.

Mr. Dancy made the following report :

The resolution instructing the committee on Indian Affairs to inquire into the expediency of making provisions for the temporary settlement of Indian tribes, and the resolution referring a portion of the Governor's message to the same committee, are hereby returned to the Senate, as the action of the Legislature has rendered it unnecessary to report on them, and we ask to be discharged from their further consideration.

JON W. DANCY, Chairman.

Mr. Gray made the following report :

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The committee on Enrolled Bills have examined the following bills, viz :

A bill to repeal an act to encourage the deepening of the Anahuac Pass at the mouth of Trinity river, approved December 20, 1851 ;

A bill for the relief of Frederick Foy ;

A bill to create the counties of Cameron, Hidalgo, Starr, Webb, Presidio and El Paso into separate land districts.

And finding the same correctly enrolled, and having been signed by the Speaker of the House and President of the Senate, were this day presented to the Governor for his approval.

P. W. GRAY, For committee.

Mr. Eddy moved that a committee be appointed to inform the House that the Senate was about to adjourn.

Messrs. Eddy, Bogart and Wilson were appointed said committee, who retired and reported that duty performed.

The journal of to-day was read and adopted.

Mr. Parker moved that the Senate now adjourn *sine die* ; carried, and after an appropriate address from the President, he pronounced the Senate adjourned *sine die*.